

CHAPTER 47 ORGANIC FOOD PRODUCTION

21—47.1(190B) Purpose. In enacting the organic food Act of 1988, the Iowa legislature has recognized the need for protection of farmers and consumers with regard to marketing of food products labeled “organic” in the state of Iowa. Standards relating to the use of descriptive terms to fairly identify such food products have been established. These standards will also facilitate the development of national and international markets for food grown by organic methods in this state.

The organic food Act of 1988 was intended to encourage and enable Iowans to produce for the organic market by setting attainable standards and by minimizing regulation activity by the state while still providing baseline protections for consumers.

The department recognizes that the organic food Act of 1988 is designed to establish a mechanism for producers to ease into organic food production over a three-year period. The Act recognizes and protects the role of independent certification in the production of such foods by requiring that the name of the certifier be disclosed on any organic label marked “certified” or “verified.” Although the Act does not require that organic producers become certified, and these rules do not establish the department as a certifying organization, the department strongly encourages producers to seek certification from private certifying organizations. The department believes that private certification will enhance the quality of organically produced foods and promote interstate and international markets. Private certifying organizations are encouraged to contact the department and supply a summary of their certification requirements to enable the department to share this information with organic producers seeking certification.

The department notes that the Act clearly prohibits the deliberate use of synthetic chemicals in producing foods organically, but that it does not require that residue testing be done or provide that any specific level of residue is unacceptable. Therefore, the Act does not prevent sales of food as “organic” which contain residues of which the grower is innocently unaware. However, the department notes that all foods must meet EPA and USDA residue standards, and so consumers will still have the same level of protection against residues in foods labeled “organic” that they have with all foods.

The department notes that organic growers are generally striving to protect and improve the integrity of their products, and that voluntary testing can be an invaluable aid in that effort. The department recommends that producers endeavor, on a voluntary basis, to limit residues in their products to no more than 10 percent of the tolerances established by the United States Food and Drug Administration or Environmental Protection Agency.

21—47.2(190B) Definitions and terms. As used in this chapter the following definitions apply:

“*Advertise*” means to present a commercial message in any medium including, but not limited to: print, radio, television, sign, display, label, tag, or articulation.

“*Certify*” means to formally approve, for purposes of advertising, a given producer, or a given product made by a given producer, upon successful verification (see definition of “verification”) by a certifying body, of compliance with the standards of the certifying body.

“*Certification*” under these rules can only be conducted by an independent third party certifying body, that is, a person or entity other than a producer or purchaser of the food being certified.

“*Department*” means the department of agriculture and land stewardship.

“*Drug*” means an article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in animals other than man and articles other than unmedicated feed intended to affect the structure or any function of an animal’s body.

“*Fertilizer material*” means a substance containing nitrogen, phosphorus, potassium, or a recognized plant food nutrient, or a compound which is used primarily for its plant nutrient content or for compounding mixed fertilizers except unmanipulated animal and vegetable manures.

“Food product” means a product other than beef or pork capable of human consumption including, but not limited to: fish, poultry, lamb, chevon, domestic game, beefalo, buffalo, vegetables, fruit, berries, eggs, seeds, dairy or grain products, beverages, sorghum syrup, and any product composed of one or more of those items.

“Horticultural oils” means a highly refined paraffinic petroleum product made solely for use on plants as specific dosages to act as an insecticide or miticide.

“Label” means a commercial message in a printed medium which is affixed by any method to a receptacle including a container or package.

“Natural organic fertilizer” means materials derived from either plant or animal products containing one or more elements (other than carbon, hydrogen, and oxygen) which are essential for plant growth. These materials may be subjected to biological degradation processes under normal conditions of aging, rainfall, sun curing, air drying, composting, rotting, enzymatic or anaerobic or aerobic bacterial action, or any combination of these. These materials may not be mixed with synthetic materials or changed in any physical or chemical manner from their initial state except by physical manipulation such as drying, cooking, chopping, grinding, shredding, or pelleting.

“Natural organic pesticide” means a pesticide product that is formulated or comprised of naturally occurring substances including, but not limited to, plant or animal derivatives or microorganisms and has an oral LD50 toxicity of 5000 milligrams per kilogram or greater.

“Organic food” means a food product that satisfies the requirements of Iowa Code section 190B.2 and rule 47.3(190B).

“Pesticide” means a substance or mixture of substances intended for preventing, destroying, repelling, or mitigating a pest, and a substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

“Plant amendment” means a substance applied to plants or seeds which is intended to improve conditions which facilitate germination, growth, yield, product quality, reproduction, flavor, or other desirable characteristics of plants except commercial fertilizers, soil amendments, agricultural liming materials, animal and vegetable manures, and pesticides.

“Processor” means a person who processes or manufactures products containing ingredients that include a food product.

“Produce” means grow, raise, collect, or harvest a food product.

“Producer” means a person who grows, raises, collects, or harvests a food product.

“Sale” or *“sell”* means a commercial transfer or offer for sale and distribution in any manner.

“Soap” means fatty acids and their salts if the fatty acid occurs in nature.

“Soil amendment” means:

1. An aggregant, additive, or organic chemical substance,
2. A chemically or physically modified natural substance,
3. A naturally occurring substance, or
4. A manufacturing by-product, mixed or unmixed, which is represented as having a primary function of forming or stabilizing soil aggregants in soil to which it is to be applied and thereby improving the resistance of the soil to the slaking action of water, increasing its water and air permeability, improving the resistance of its surface to crusting, improving its ease of cultivation, or otherwise favorably modifying its structural or physical properties.

“Synthetic” includes, but is not limited to, a pesticide, fertilizer, drug, hormone, antibiotic, growth stimulant, arsenical, or other complex compound artificially produced usually by chemical synthesis of elements or simple compounds.

“Vendor” means a person including, but not limited to, a producer or processor who in the regular course of business sells food products.

“Verification” means a procedure by which a certifying body determines that foods represented as organic are in compliance with the certifier’s standards through the use of questionnaires, affidavits, farm inspections, residue tests, record audits, or other procedures to comprehensively review the com-

plete production, handling, and record-keeping systems which are utilized with regard to the food to be certified.

21—47.3(190B) Standards. For a food product to be considered organic, it must have been organically grown or produced or composed of ingredients that were all produced according to this rule. Organic food shall be harvested, cleaned, stored, transported, distributed, processed, and packaged without the use of artificial irradiation, synthetic pesticides, synthetic plant or soil amendments, or fertilizer materials except natural organic fertilizers or as specifically allowed in rule 47.4(190B) according to the following standards:

1. It shall contain no added artificial coloring, artificial flavoring, artificial preservative, or synthetic ingredient;

2. In the case of perennial crops, grown in soil or growth medium without the application of synthetic pesticides, synthetic soil and plant amendments, and synthetic fertilizer materials, except as specifically allowed in rule 47.4(190B) since July 1, 1988, except that after July 1, 1991, the soil must have been free of the application of a synthetic for three years before and throughout the entire growing and harvesting season of the crop.

3. In the case of annual crops and two-year crops, was grown in soil or growth medium without the application of synthetic pesticides, synthetic soil and plant amendments, and synthetic fertilizer materials, except as allowed in rule 47.4(190B) since July 1, 1988, except that after July 1, 1991, the soil must have been free of the application of a synthetic for three years before planting or transplanting and throughout the entire growing and harvesting of the crop.

4. In the case of meat, poultry, domesticated game, shell fish, other nonplant life, fish, milk, and eggs, provisions set out in subrules 47.3(1) to 47.3(3) shall be followed.

47.3(1) Feed.

- a. Recommended.

- (1) Feed and pasture raised according to Iowa organic standards and rules;

- (2) Natural mineral and vitamin supplements;

- (3) Salt from any source.

- b. Permitted, to the extent that local organic grain is not available.

- (1) At least 80 percent of the feed (weight) must be raised according to Iowa organic standards and rules;

- (2) Whole grain and forage containing no postharvest additives or chemical processing (Iowa grown products preferred). "Whole grain" refers to grain mechanically treated or not but in any case containing the germ, bran and all other parts of the grain;

- (3) Manufactured mineral and vitamin supplements.

- c. Not permitted.

- (1) Synthetic chemical added to feed;

- (2) Synthetic hormones added to feed;

- (3) Plastic pellets for roughage;

- (4) Urea or manure refeeding;

- (5) Antibiotics in the last 75 percent of normal finished weight;

- (6) Milk from lactating mothers receiving antibiotics in the last 75 percent of finished weight of the offspring.

47.3(2) Animal health.

- a. Recommended. Preventive health care through good farming practices including sanitation, pasture rotation, suitable shelter, space, light, and fresh air and water.

- b. Permitted.

- (1) Vaccinations;

- (2) Probiotics (whey, lactobacillus, and colostrum);

- (3) General, routine applications of natural pest controls, e.g., rock powders, diatomaceous earth, and herbs;

(4) Internal parasiticides for treatment of severe infection that cannot be treated another way, provided that the withdrawal period is doubled, or animals under 25 percent of finished weight;

(5) Topical iodine disinfectants.

c. Not permitted.

(1) Synthetic chemicals, drugs, etc. used to stimulate growth or production or induce tenderness.

(2) Failing to give synthetic medications or antibiotic treatments where needed for animal health.

Treated animals or animal products must then be diverted to conventional markets.

(3) In the case of animals used for production of milk or eggs, no synthetic pesticide or drug shall be administered or introduced within 60 days before the production of the milk or eggs.

47.3(3) *Animal purchase and replacement.*

a. Recommended. Animals purchased from organic producers.

b. Permitted.

(1) Slaughter stock may be purchased from whatever source provided the animal has been raised and treated according to Iowa organic food standards law and rules;

(2) Breeding stock may be bought from whatever source provided the animal is not in the last third of gestation, unless it otherwise qualifies as organic under Iowa law and rules;

(3) In the last third of gestation, breeding stock may have been fed commercial feeds, and may have received antibiotics and vaccinations, but otherwise must meet organic standards and rules;

(4) Day-old poultry may be acquired from any source, regardless of whether synthetic chemicals have been utilized in producing such stock;

(5) Other than day-old chicks, animals for milk and egg production must have met the standards of subrules 47.3(1) and 47.3(2) for at least 60 days prior to selling the milk or eggs as organic, except as noted in 47.3(2) “c”;

(6) If a seller of animals for milk or egg production provides a sworn statement stating that the above standards have been met for 60 days or less immediately prior to sale of the animal, then the milk or eggs may be sold as organic by the purchaser as soon as a total of 60 consecutive days have passed during which the animal meets the above standards.

c. Not permitted. Purchase of animals not raised in accordance with 47.3(3) “b.”

47.3(4) *Organic crops.* Organic crops shall be produced without the use of seeds that have been synthetically treated, unless untreated seeds are not generally available.

47.3(5) *Organic crops—storage.* Organic crops shall be stored in a regular, cold, or controlled atmosphere. If fumigation is needed, only diatomaceous earth or inert gases may be used.

47.3(6) *Guidance to organic producers.* To provide guidance to organic producers regarding the use of substances and practices not specifically identified in these rules, the department shall use as guidelines the permitted and prohibited substances and practices as identified by California Certified Organic Farmers and Organic Food Production Association of North America, and make recommendations regarding use to the producer.

21—47.4(190B) Exceptions. Exceptions to rule 47.3(190B) include:

1. Enzyme sources;
2. Cultures of living or killed microorganisms;
3. Bordeaux mixtures;
4. Elemental sulfur and lime sulfur;
5. Gypsum;
6. Diatomaceous earth;
7. Basic copper sulfate;
8. Horticultural oils;
9. Fish emulsion that is not synthetically produced;
10. Soap;
11. Naturally occurring mineral materials that are not chemically modified;

12. Botanically derived pesticides containing no other active pesticidal ingredient but which may contain synthetic compounds such as emulsifiers, synergists, and carriers;

13. Mechanical controls such as traps, repellent crops, vacuuming, water jets, physical barriers, sound. Traps containing pesticides not permitted by rule 47.3(190B) or 47.4(190B) must be specifically authorized and documented by the grower's certification organization, provided that their contents do not contaminate the environment; and

14. Irrigation is permitted from groundwater sources. Surface waters may not be used for irrigation, except those ponded waters which receive runoff solely from land that has been free of a synthetic applied within the last three years, or since July 1, 1988, whichever period is shorter.

21—47.5(190B) Treated seed, transplants and propagating parts. If an organic food producer is unable to locate organically produced and treated seed, transplants, or propagating parts, the producer may use other seed, transplants or propagating parts if the producer retains records showing that a bona fide effort was made to locate organically produced and treated seed, transplants, and propagating parts. Such records shall be maintained by the producer for three years after the crop is harvested, sold, or delivered, whichever occurs later.

21—47.6(190B) Records. Records required to be kept under Iowa Code chapter 190B shall be maintained in a location that is convenient and readily accessible for inspection purposes, preferably on the premises where the food products are grown, processed, manufactured, or sold.

47.6(1) Producer—records concerning food sold as organic. A producer who sells food from a crop which the producer has grown and which is identified as organic, organically grown, or by a derivative of the word "organic," shall accurately keep the following records for three years after the food is harvested, sold, and delivered by the producer, whichever occurs later.

- a. Year and type of crop;
- b. Location of the acreage used for growing that crop;
- c. Additions made to the soil or applied to that crop;
- d. Kind and amount of seed, transplants, or propagating parts; variety if any; the name and address of the seller and the date of purchase; description of any treatments, synthetic or organic, applied to the seed, transplants, or propagating parts;
- e. For livestock, records of all feed rations, including supplements, and their sources. Sources of young stock, if purchased off-farm, breeding, medication, and veterinary care history must be recorded.
- f. Quantity, date, and acreage harvested.
- g. Purchaser(s) of each crop, identifying the products sold by the information described above, as well as by quantity sold and date(s) of delivery.

47.6(2) Producers—records concerning farm history. If no crop from a given plot grown in a particular year is sold or marketed as organic, a producer must keep records for that year, or years, if needed to corroborate the grower's sworn statements that a food product from a later crop was produced on soil that has been free of the application of a synthetic for the number of years required by Iowa Code section 190B.2, including the information described in 47.6(1) "a" to "c."

47.6(3) Processors and manufacturers. A person who processes or manufactures a food which is sold or identified as organic, organically grown, or by a derivative of the word "organic," shall keep accurate records of the ingredients of that food, the names and addresses of persons from whom the ingredients were purchased, the date and quantity of ingredients purchased, and copies of invoices. These records must be retained for three years after the food is sold and delivered. Sworn statements required by rule 47.7(190B) shall be retained for three years after the food is sold and delivered.

47.6(4) Vendors. A person who sells a food subject to subrule 47.6(1) or 47.6(3) shall keep accurate records of the names and addresses of persons from whom that food was purchased, the date and quantity of food purchased, and copies of invoices. These records must be retained for three years after

the food is sold and delivered. Sworn statements required by rule 47.7(190B) shall be retained for three years after the food is sold and delivered.

47.6(5) *Provision of information.* A producer, processor, manufacturer, or vendor of food subject to subrules 47.6(1) to 47.6(4) shall provide the department, on demand, relevant information from the records required under this rule.

47.6(6) If both organic and conventional methods are used to produce, process or manufacture the same product, records shall demonstrate that there has been no possibility of interchange. Either no product of that type can be sold as organic, or the timing of harvest, processing, packaging and sale shall be such that neither handling nor storage coincides.

21—47.7(190B) Sworn statements.

47.7(1) *Sale as organic.* A producer, processor, manufacturer, or vendor shall not sell to a vendor a food product advertised as organic, organically produced, or by using a derivative of the term “organic,” unless the producer, processor, or manufacturer provides a sworn statement prior to or at the time of sale or shipment that the food product satisfies the requirements of Iowa Code chapter 190B and these rules.

47.7(2) *Processors and manufacturers.* If a processor or manufacturer purchases or plans to purchase an organic food product from a certain supplier more than once in a given year, the processor or manufacturer may comply with subrule 47.7(1) by accepting a sworn statement from the supplier which states that all of the food product of a given description which the supplier will sell to that purchaser during the next year (or shorter time period) satisfies the requirements of Iowa Code chapter 190B and these rules. Processors and manufacturers must obtain sworn statements from each supplier of each organic ingredient.

47.7(3) *Wholesalers.* If a vendor purchases or plans to purchase an organic food product or products from a certain producer, manufacturer, processor, or vendor for resale more than once in a given year, the wholesaler may comply with subrule 47.7(1) by accepting a sworn statement from the supplier which states that all of the food products described therein which that supplier will sell to that purchaser during the next year (or shorter time period) satisfy the requirements of Iowa Code chapter 190B and these rules.

47.7(4) *Retailers.* If a vendor purchases or plans to purchase an organic food product or products from a certain producer, manufacturer, processor, wholesaler, or other vendor for sale directly to consumers more than once in a given year, the retailer may comply with subrule 47.7(1) by accepting a sworn statement from that supplier which states that all of the food products described therein which that supplier will sell to that purchaser during the next year (or shorter time period) satisfy the requirements of Iowa Code chapter 190B and these rules.

47.7(5) *Implementation.* Pending the implementation of national standards for organic food production, vendors may comply with 21—47.7(190B) by obtaining the sworn statements required herein. Mailing of notice of the requirements of 21—47.7(190B) to each one of a vendor’s suppliers of organic foods no later than January 1 of each year shall be deemed to be sufficient good faith effort for the purposes of this rule, provided complete records of the mailing are maintained by the vendor.

21—47.8(190B) Prohibitions.

47.8(1) No claim or implication may be made in the identification, labeling, advertising, or promotion of a food product, including processed food products, that the food product is organic, organically grown, or by a derivative of the word “organic,” unless the product, including all of its ingredients, conforms to the requirements of Iowa Code chapter 190B and Iowa Administrative Code 21—Chapter 47.

47.8(2) Food that contains one or more organic ingredients may contain an information statement on the label, such as: “Contains organic rye flour” in letters not to exceed one-half the height of the letters used in the product identity. The word “organic” also must precede the name of each organic ingredient identified in the list of ingredients.

21—47.9(190B) Organic advisory committee.

47.9(1) Membership. The advisory committee shall have nine members to be appointed by the secretary of agriculture. Membership shall consist of the following:

- a.* One representative of the Iowa department of agriculture and land stewardship.
- b.* One representative of Iowa state university extension service who is a specialist in organic or sustainable agriculture.
- c.* Three producers of organic products including grains, fruits, vegetables, livestock or textiles.
- d.* Three handlers of organic products including processors, distributors or retailers.
- e.* One consumer representing the general interests of the organic industry in Iowa.

47.9(2) Function. The committee shall provide advice to the secretary of agriculture regarding organic production regulations, both state and federal, and other matters of concern to the organic industry as determined by the committee.

47.9(3) Administrative procedures. The committee shall establish administrative procedures and shall elect officers to terms established by the committee. All members of the committee shall serve at the pleasure of the secretary.

47.9(4) Compensation. Members of the advisory committee shall be reimbursed for actual and necessary expenses incurred by them in the discharge of their official duties.

47.9(5) Advisors. The organic advisory committee may solicit input from advisors without restriction as determined by the committee.

47.9(6) Staff. Staff assistance is provided through the department of agriculture and land stewardship as designated by the secretary of agriculture.

47.9(7) Open records. All public records of the committee are available for public inspection during business hours. Requests to obtain records may be made by mail, telephone or in person to the secretary's office, department of agriculture and land stewardship. Records requiring more than five copies may be obtained upon payment of the actual cost for copying.

These rules are intended to implement Iowa Code chapter 190B.

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